UNITED STATES PATENT AND TRADEMARK OFFICE

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09/545,639	04/07/2000	Ryan Cunningham	72189/99664	9723

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EXAMINER
VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
2143	16

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 January 2003_ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-60_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _7,8,10,12_

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☒ Other: *IDS paper No(s) 12* .

DETAILED ACTION

1.   This Action is in response to the papers filed 09 January 2003.

Information Disclosure Statement

2.   The references listed in the Information Disclosure Statement submitted on 20 July 2000, 01 September 2000, 06 March 2001 and 09 October 2001 have been considered by the examiner (see attached PTO-1449). However, with regards to the Information Disclosure Statements submitted on 24 August 2001 and 22 March 2002, have not been considered by the examiner. It is requested that the Applicant properly submitted the IDS on a PTO-1449.

3.   The application has been examined. Claims 1-60 are pending. The objections and rejections cited are as stated below:

Drawings

4.   The drawings are objected to because of the objections noted on the PTO-948 form attached.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   **Claims 1-23** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.   Claim 1 recites the limitation "the status" and the "ad pool" in lines 5 and 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claims 1-6, 11-16, 33-38, 41-52 and 55-60** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Radziewicz et al. (Radziewicz), U.S. Patent No. 5,854,897 in view of Reilly et

al. (Reilly), U.S. Patent No. 5,740,549.

10.   Regarding **claim 1**, Radziewicz discloses the invention substantially as claimed.

Radziewicz discloses a method of providing a user computer with access to files of a network

[see Radziewicz, Col. 5, lines 8-67 and Col. 6, lines 1-13], the method comprising: establishing a

communication link from the user computer to an access control system of the network [see

Radziewicz, Col. 6, lines 39-41]; launching a viewer program that controls the status of the

communication link [see Radziewicz, Col. 6, lines 33-64]; detecting times when the user is not

actively sending or receiving data from the network [see Radziewicz, Col. 6, lines 13-16], and

downloading ad files from the network to the user computer during such times, such that the

viewer program maintains a pool of ad files at the user computer for display [see Radziewicz,

Col. 10, line 39]; periodically opening a viewer program window in which a next ad file from the

ad file pool is displayed (Radziewicz teaches that advertisements are played/displayed until

either another advertisement is ready to be played/displayed or until the user at the DTE aborts or

terminates the session), [see Radziewicz, Col. 9, lines 23-41 and Col. 10, lines 54-65]; hiding the

viewer program window after a predetermined number of ad files from the ad file pool have been

played and keeping the viewer program window hidden for a predetermined quiet interval

(Radziewicz teaches the transient window pops up on the display area of the DTE whenever the

advertisements are being transmitted to the DTE and disappears whenever the connection path is

otherwise busy. By disappearing the transient window is either no longer displayed on the DTE

or transient window is moved to or made a background window), [see Radziewicz, Col. 24, lines

27-45]. However, Radziewicz does not explicitly disclose performing pool management tasks

and managing the ad pool so as to keep track of the number of times each ad file in the ad pool

has been viewed and determine when each ad file in the ad pool should no longer be viewed.

11.   In the same field of endeavor Reilly discloses (e.g., a information and advertising

distribution system and method). Reilly discloses performing pool management tasks and

managing the ad pool so as to keep track of the number of times each ad file in the ad pool has

been viewed and determine when each ad file in the ad pool should no longer be viewed (Reilly

teaches the subscriber workstation contains an administration manager (180) that schedules and

controls all communications with the information server and that also includes a connection

scheduler that initiates execution of the connection manager so that it integrates the information

software procedures received from the information server in addition to the storing of

advertisements, images and display scripts), [see Reilly, Col. 6, lines 17-61].

12.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated Reilly's teachings of information and

advertising distribution system and method with the teachings of Radziewicz, for the purpose of

disseminating information and advertisements to subscriber computers in a system where the

information and advertisements are automatically displayed when the subscriber's computer is

on but meets predefined idleness criteria [see Reilly, Col. 2, lines 25-29]. By this rationale **claim 1** is rejected.

13.   Regarding **claim 2**, Radziewicz-Reilly further discloses wherein managing the ad pool includes determining that an ad file should not be viewed after the ad file has been viewed a predetermined number of times [Radziewicz, Col. 15, lines 35-67 and Col. 16, lines 1-26]. By this rationale **claim 2** is rejected.

14.   Regarding **claim 3**, Radziewicz-Reilly further discloses wherein managing the ad pool includes determining that an ad file should not be viewed after the ad file has been viewed for a predetermined number of calendar days [see Radziewicz, Col. 14, lines 61-67 and Col. 15, lines 1-53, and TABLE 2]. By this rationale **claim 3** is rejected.

15.   Regarding **claim 4**, Radziewicz-Reilly discloses wherein managing the ad pool includes discarding an oldest ad file from the ad pool if the ad pool size exceeds a predetermined size limit value [see Reilly, Col. 10, lines 38-41]. By this rationale **claim 4** is rejected.

16.   Regarding **claim 5**, Radziewicz-Reilly discloses wherein managing the ad pool includes not tracking an ad file as having been viewed if the viewing of the ad file is prematurely halted before normal completion ((The Examiner takes Official Notice, see MPEP 2144.03). By this rationale **claim 5** is rejected.

17.   Regarding **claim 6**, Radziewicz-Reilly further discloses further wherein the viewer program maintains an ad information table of a local database in the user computer [see Reilly, Col. 15, lines 19-40]. By this rationale **claim 6** is rejected.

18.   Regarding **claim 11**, Radziewicz-Reilly further discloses wherein the access control system includes an Ad server that provides the ad files to a user, a Network Access Server that

assigns a network address for an authorized user, and an Access, Authorization, [see Radziewicz, Col. 6, lines 33-64] and Accounting server that determines if authorization should be granted to a user [see Radziewicz, Col. 9, lines 64-67, Col. 10, lines 1-53 and Col. 12, lines 45-61]. By this rationale **claim 11** is rejected.

19.   Regarding **claim 12**, Radziewicz-Reilly further discloses including: determining ad impression viewing data corresponding to the number of times each ad file in the ad pool has been viewed [see Reilly, col. 5, lines 60-65]; determining click through data corresponding to network addresses visited by the user during the viewing of an ad file; and reporting the ad impression viewing data to the access control system [see Reilly, Col. 5, lines 60-67 and Col. 6, lines 1-15]. By this rationale **claim 12** is rejected.

20.   Regarding **claim 13**, Radziewicz-Reilly further discloses further including storing state information for the viewing program at the user computer (The Examiner takes Official Notice, see MPEP 2144.03). By this rationale **claim 13** is rejected.

21.   Regarding **claim 14**, Radziewicz-Reilly discloses wherein the viewer program displays closed captioning information (The Examiner takes Official Notice, see MPEP 2144.03) that it was well known in the networking art at the time the invention was made to utilize close captioning for the displaying of viewer programs). By this rationale **claim 14** is rejected.

22.   Regarding **claim 15**, Radziewicz-Reilly further discloses wherein the viewer program tracks the number of online network access sessions by the user computer [see Reilly, Col. 5, lines 60-67 and Col. 6, lines 1-10]. By this rationale **claim 15** is rejected.

23.   Regarding **claim 16**, Radziewicz-Reilly further discloses wherein the viewer program

tracks the time spent online with network access by the user computer (The Examiner takes

Official Notice, see MPEP 2144.03). By this rationale **claim 16** is rejected.

24.   **Claims 33-38** have similar limitations as that of claims 1-6 therefore they are rejected

under the same rationale as discussed above.

25.   **Claims 41-46** have similar limitations as that of claims 1 and 11-16 therefore they are

rejected under the same rationale as discussed above.

26.   **Claims 47-52**, list all the same elements of claim 1-6, but in program product form rather

than method form. Therefore, the supporting rationale of the rejection of claims 1-6 applies

equally as well to claim 47-52.

27.   **Claims 55-60** list all the same elements of claims 11-16, but in program product form

rather than method form. Therefore, the supporting rationale of the rejection of claims 11-16

applies equally as well to claims 55-60.

Claim Rejections - 35 USC § 103

28.   **Claims 7-10, 17-32, 39, 40, 53 and 54** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Radziewicz-Reilly as applied to claim 1 above, and further in view of Rainis et

al. (Rainis), U.S. Patent No. 6,310,873.

29.   Regarding **claim 7**, Radziewicz-Reilly discloses the invention substantially as claimed.

However, Radziewicz-Reilly does not explicitly disclose including periodically performing fraud

control, wherein the viewer program sends a pulse message to the access control system at

predetermined intervals, and the access control system causes the communication link to the network to be severed if it fails to receive an expected pulse message.

30.   In the same field of endeavor, Rainis discloses (e.g., telephonic communications over the internet). Rainis discloses including periodically performing fraud control, wherein the viewer program sends a pulse message to the access control system at predetermined intervals, and the access control system causes the communication link to the network to be severed if it fails to receive an expected pulse message [see Rainis, Col. 7, lines 15-25].

31.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rainis' teachings of telephonic communications over the internet with the teachings of Radziewicz-Reilly, for the purpose of providing a secure payment model between client software and a server in order to be able to monitor interaction between a client and a server [see Rainis, Col. 3, lines 35-54]. By this rationale **claim 7** is rejected.

32.   Regarding **claim 8**, Radziewicz-Reilly and Rainis further discloses wherein the viewer program maintains an ad information table that includes ad file information initially received from the access control system, such that the viewer program compares actual ad file information determined by the user computer with corresponding ad file information in the table [see Radziewicz, Col. 7, lines 18-54], and such that the access server causes the communication link to the network to be severed if there is a discrepancy [see rejection of claim 7, supra]. By this rationale **claim 8** is rejected.

33.   Regarding **claim 9**, Radziewicz-Reilly and Rainis further discloses wherein the fraud control comprises comparing ad information in the local database with actual ad file information

for the corresponding ad file, and indicating fraud if there is a discrepancy [see rejection of

claims 7 and 8, supra]. By this rationale **claim 9** is rejected.

34.   Regarding **claim 10**, Radziewicz-Reilly and Rainis further discloses wherein the viewer

program terminates the network connection if fraud is indicated [see Rainis, Col. 7, lines 20-24].

By this rationale **claim 10** is rejected.

35.   Regarding **claim 17**, Radziewicz-Reilly and Rainis further discloses wherein establishing

a communication link includes: receiving user identification information [see Radziewicz, Col. 6,

lines 38-46]; verifying demographic information for the identified user stored at the access

control system and providing the communication link [see Reilly, Col. 7, lines 45-54]; collecting

demographic information from the user computer in an initial registration and access operation,

storing the demographic information at the access control system and identifying it with the

registered user, and providing the communication link [see Reilly, Col. 7, lines 49-67 and Col. 8,

lines 1-19]; and otherwise terminating the communication link and denying network access. By

this **claim 17** is rejected.

36.   Regarding **claim 18**, Radziewicz-Reilly and Rainis further discloses including:

determining ad impression viewing data corresponding to the number of times each ad file in the

ad pool has been viewed [see Reilly, Col. 5, lines 60-67 and Col. 6, lines 1-10]; determining

click through data corresponding to network addresses visited by the user during the viewing of

an ad file [see Radziewicz, Col. 9, lines 63-67 and Col. 10, lines 1-15]; and reporting the ad

impression viewing data to the access control system [see Radziewicz, Col. 9, lines 63-67 and

Col. 10, lines 1-15]. By this rationale **claim 18** is rejected.

37.   Regarding **claim 19**, Radziewicz-Reilly and Rainis further discloses further including

preparing a Demographic Report that summarizes the reported ad impression viewing data for

multiple computer users over a current time period [see Reilly, Col. 6, lines 1-10]. By this

rationale **claim 19** is rejected.

38.   Regarding **claim 20**, Radziewicz-Reilly and Rainis further discloses further including

providing the Demographic Report to a computer user identified as an ad file sponsor (The

Examiner takes Official Notice, see MPEP 2144.03), (see also Gerace, U.S. Patent No.

5,848,396, whereas it discloses a sponsor object in relation to a user). By this rationale **claim 20**

is rejected.

39.   Regarding **claim 21**, Radziewicz-Reilly and Rainis further discloses wherein the

Demographic Report includes demographic report fields that are selected by the computer user

[see Reilly, Figure 5]. By this rationale **claim 21** is rejected.

40.   Regarding **claim 22**, Radziewicz-Reilly and Rainis further discloses wherein providing

the Demographic Report includes providing archival reports for prior time periods [see Reilly,

Col. 6, lines 1-10]. By this rationale **claim 22** is rejected.

41.   Regarding **claim 23**, Radziewicz-Reilly and Rainis further discloses including:

comparing an ad file having an associated demographic profile with demographic data for each

of multiple registered users and identifying those registered users having demographic

information that matches the demographic profile for the ad file [see Reilly, Col. 1, lines 4-10];

identifying a time period over which the ad file should be played [see Radziewicz, Col. 7, lines

35-54]; adding the ad file to a playlist for each registered computer user if the ad file is matched

to the computer user demographic information and if the identified time period is available for

the computer user [see rejection of claim 17, supra]; and decreasing an available ad file

impression number for each identified and matched computer user (The Examiner takes Official

Notice, see MPEP 2144.03). By this rationale **claim 23** is rejected.

42.   Regarding **claim 24**, Radziewicz-Reilly and Rainis further discloses an access control

system that provides a user computer with access to files of a network to which the user

computer is connected, the access control server comprising: a central processing unit that can

establish communication with the user computer [see Radziewicz, Col. 6, lines 33-64]; program

memory that stores programming instructions that are executed such that the access control

system receives requests from the user computer for ad files [see Radziewicz, Col. 6, lines 33-

64], wherein the user requests are generated by a viewer program of the user computer after

detecting times when the user is not actively sending or receiving data from the network [see

Radziewicz, Col. 6, lines 13-16], such that the viewer program maintains a pool of ad files at the

user computer for display [see Radziewicz, Col. 10, line 39] and performs ad pool management

tasks [see Reilly, Col. 6, lines 17-61], and wherein the viewer program sends a pulse message to

the access control system at predetermined intervals [see Rainis, Col. 7, lines 15-25], and the

access control system causes the communication link to the network to be severed if it fails to

receive an expected pulse message [see Rainis, Col. 7, lines 15-25], further wherein the viewer

program maintains an ad information table that includes ad file information initially received

from the access control system [see rejection of claim 17, supra], such that the viewer program

compares actual ad file information determined by the user computer with corresponding ad file

information in the table [see rejection of claim 7, supra], and such that the access server causes

the communication link to the network to be severed if there is a discrepancy [see rejection of

claims 7 and 8 supra]. By this rationale **claim 24** is rejected.

43.   Regarding **claim 25**, Radziewicz-Reilly and Rainis further discloses wherein the access

control server compares ad information in the local database with actual ad file information for

the corresponding ad file, and indicates fraud if there is a discrepancy [see rejection of claim 7-

10, supra]. By this rationale **claim 25** is rejected.

44.   Regarding **claim 26**, Radziewicz-Reilly and Rainis further discloses wherein the

programming instructions cause the access control sever to establish a communication link with

the user computer by performing the operations of: receiving user identification information [see

Radziewicz, Col. 6, lines 39-41]; verifying demographic information for the identified user

stored at the access control system and providing the communication link [see Reilly, Col. 7,

lines 50-67 and Col. 8, lines 1-35]; collecting demographic information from the user computer

in an initial registration and access operation [see Reilly, Figures 2 and 5], storing the

demographic information at the access control system and identifying it with the registered user,

and providing the communication link [see Reilly, Figures 2 and 5]; and otherwise terminating

the communication link and denying network access. By this rationale **claim 26** is rejected.

45.   Regarding **claim 27**, Radziewicz-Reilly and Rainis further discloses wherein the

operations performed by the access control server further include: determining ad impression

viewing data corresponding to the number of times each ad file in the ad pool has been viewed

[see Reilly, Col. 5, lines 60-67 and Col. 6, lines 1-10]; determining click through data

corresponding to network addresses visited by the user during the viewing of an ad file [see

Reilly, Col. 5, lines 60-67 and Col. 6, lines 1-10]; and reporting the ad impression viewing data to the access control system [see Reilly, Figures 2 and 5]. By this rationale **claim 27** is rejected.

46.   Regarding **claim 28**, Radziewicz-Reilly and Rainis further discloses wherein the operations performed by the access control server further include preparing a Demographic Report that summarizes the reported ad impression viewing data for multiple computer users over a current time period [see Reilly, Figure 2]. By this rationale **claim 28** is rejected.

47.   Regarding **claim 29**, Radziewicz-Reilly and Rainis further discloses wherein the operations performed by the access control server further include providing the Demographic Report to a computer user identified as an ad file sponsor [see Reilly, Figure 2]. By this rationale **claim 29** is rejected.

48.   Regarding **claim 30**, Radziewicz-Reilly and Rainis further discloses wherein the Demographic Report includes demographic report fields that are selected by the computer user [see Reilly, Figure 5]. By this rationale **claim 30** is rejected.

49.   Regarding **claim 31**, Radziewicz-Reilly and Rainis further discloses wherein the access control server further provides archival reports for prior time periods [see Reilly, Figure 2]. By this rationale **claim 31** is rejected.

50.   Regarding **claim 32**, Radziewicz-Reilly and Rainis further discloses wherein the operations performed by the access control server further include: comparing an ad file having an associated demographic profile with demographic data for each of multiple registered users and identifying those registered users having demographic information that matches the demographic profile for the ad file [see rejection of claim 27, supra]; identifying a time period over which the ad file should be played [see Radziewicz, Col. 7, lines 18-55]; adding the ad file to a playlist for

each registered computer user if the ad file is matched to the computer user demographic

information and if the identified time period is available for the computer user [see Reilly, Col.

7, lines 48-67 and Col. 1-67]; and decreasing an available ad file impression number for each

identified and matched computer user (The Examiner takes Official Notice, see MPEP 2144.03).

By this rationale **claim 32** is rejected.

51.   Regarding **claims 39 and 40** have similar limitations as that of claims 7 and 10,

therefore, they are rejected for the same rationale as discussed above.

52.   **Claims 53-54** list all the same elements of claims 7 and 10, but in program product form

rather than method form. Therefore, the supporting rationale of the rejection of claims 7 and 10

applies equally as well to claims 53-54.

Double Patenting

53.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this

application. See 37 CFR 1.130(b).

54.   Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

Claims 1-60 are rejected under the judicially created doctrine of double patenting over

claims 1-35 of U. S. Patent No. 6,463,468 since the claims, if allowed, would improperly extend

the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is

covered by the patent since the patent and the application are claiming common subject matter.

Although the conflicting claims are not identical, they are not patentably distinct from each other

because the context of the claimed invention is the same as the context of the cited claims of the

U.S. Patent No. 6,463,468.

Citation of Pertinent Prior Art

55.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Rakavy et al. (Rakavy), U.S. Patent No. 5,913,040, discloses assigning a unique user-

ID and utilizing that unique user-ID by an advertising system server to track the user's activity.

Also, Rakavy discloses billing, gathering statistical information, audit logs, user preferences,

purging advertisements [see Rakavy, Col. 6, lines 55-67 and Col. 7, lines 1-30 and Col. 8, lines

61-67, Col. 12, lines 40-59].

Conclusion

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

WCV
Patent Examiner
Art Unit 2143
20 September 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100